



THE SUPREME COURT OF TEXAS

Orders Pronounced September 23, 2016

ORDERS ON CAUSES

THE MOTIONS FOR REHEARING OF THE FOLLOWING CAUSES ARE DENIED:

- 13-0768 BCCA APPEAL GROUP, INC. v. CITY OF HOUSTON, TEXAS; from Harris County; 1st Court of Appeals District (01-11-00332-CV, 485 SW3d 444, 08-29-13)
- 14-0293 JASON R. SEARCY, AS TRUSTEE OF THE EXEMPT ASSETS TRUST v. PAREX RESOURCES, INC.; from Harris County; 14th Court of Appeals District (14-13-00043-CV, 427 SW3d 407, 01-28-14)
(Justice Brown not sitting)
- 14-0295 JASON R. SEARCY, AS TRUSTEE OF THE EXEMPT ASSETS TRUST v. PAREX RESOURCES (BERMUDA), LTD.; from Harris County; 14th Court of Appeals District (14-13-00073-CV, ___ SW3d ___, 01-28-14)
(Justice Brown not sitting)
- 14-0457 RSL FUNDING, LLC v. CHEVEZE D. PIPPINS, DANIEL P. MORRIS, DONNA M. O'BRIEN, METROPOLITAN LIFE INSURANCE COMPANY, METLIFE INSURANCE COMPANY OF CONNECTICUT AND METLIFE INVESTORS USA INSURANCE CO.; from Harris County; 14th Court of Appeals District (14-12-00279-CV, ___ SW3d ___, 01-30-14)
as corrected
- 14-0572 COYOTE LAKE RANCH, LLC v. THE CITY OF LUBBOCK; from Bailey County; 7th Court of Appeals District (07-14-00006-CV, ___ SW3d ___, 07-10-14)
- 14-0593 HALEY HEBNER AND DARRIN CHARLES SCOTT, INDIVIDUALLY AND AS NEXT FRIENDS OF R.M.S., A MINOR v. NAGAKRISHNA REDDY, M.D., AND NEW BRAUNFELS OB/GYN, P.A.; from Comal County; 3rd Court of Appeals District (03-12-00675-CV, ___ SW3d ___, 05-02-14)

- 14-0747 GLENN HEGAR, IN HIS OFFICIAL CAPACITY AS TEXAS COMPTROLLER, AND KEN PAXTON, IN HIS OFFICIAL CAPACITY AS TEXAS ATTORNEY GENERAL v. TEXAS SMALL TOBACCO COALITION AND GLOBAL TOBACCO, INC.; from Travis County; 3rd Court of Appeals District (03-13-00753-CV, 440 SW3d 304, 08-15-14)
- 14-0901 UNION PACIFIC RAILROAD COMPANY v. WILLIAM NAMI; from De Witt County; 13th Court of Appeals District (13-12-00673-CV, ___ SW3d ___, 08-14-14)
- 14-0986 MIKE MORATH, COMMISSIONER OF EDUCATION v. STERLING CITY INDEPENDENT SCHOOL DISTRICT, HIGHLAND INDEPENDENT SCHOOL DISTRICT, AND BLACKWELL CONSOLIDATED INDEPENDENT SCHOOL DISTRICT; from Travis County; 11th Court of Appeals District (11-12-00035-CV, 447 SW3d 505, 10-16-14)
- 15-0025 TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION v. BONNIE JONES AND AMERICAN HOME ASSURANCE COMPANY; from Dallas County; 5th Court of Appeals District (05-13-01353-CV, ___ SW3d ___, 11-06-14)
- 15-0046 LEONARD K. HOSKINS v. COLONEL CLIFTON HOSKINS AND HOSKINS, INC.; from Bexar County; 4th Court of Appeals District (04-13-00859-CV, ___ SW3d ___, 10-15-14)
- 15-0143 TIC ENERGY AND CHEMICAL, INC. v. KEVIN BRADFORD MARTIN; from Calhoun County; 13th Court of Appeals District (13-14-00278-CV, 488 SW3d 344, 01-08-15)
- 15-0146 WAL-MART STORES, INCORPORATED v. DORIS FORTE, O.D., ON BEHALF OF HERSELF AND ALL OTHER SIMILARLY SITUATED PERSONS; BRIDGET LEESANG, O.D.; DAVID WIGGINS, O.D.; AND JOHN BOLDAN, O.D. (U.S. 5th Circuit 12-40854)
(Justice Willett not sitting)
- 15-0437 TERESA GAROFOLO v. OCWEN LOAN SERVICING, L.L.C. (U.S. 5th Circuit 14-51156)

THE MOTION IN THE FOLLOWING CAUSE IS DENIED:

- 14-0797 IN RE STEVEN C. PHILLIPS; from Bexar County

motion for fees, alternative supplement to writ of mandamus, denied

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

- 15-0188 ENGELMAN IRRIGATION DISTRICT v. SHIELD BROTHERS, INC.; from Hidalgo County; 13th Court of Appeals District (13-14-00070-CV, ___ SW3d ___, 01-15-15)
motion for rehearing granted

denial of petition for review on May 27, 2016, withdrawn
petition reinstated

[**Note:** This case has been set for oral argument at 9:00 a.m., December 7, 2016.]
Time allotted to argue: 20/20 minutes

15-0240 EXXON MOBIL CORPORATION AND WHM CUSTOM SERVICES, INC. v. GILBERTO RINCONES; from Cameron County; 13th Court of Appeals District (13-11-00075-CV, 457 SW3d 221, 02-12-15)
2 petitions

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2016.]
Time allotted to argue: 20/20 minutes
(Justice Lehrmann not sitting)

15-0320 KING STREET PATRIOTS, CATHERINE ENGELBRECHT, BRYAN ENGELBRECHT, AND DIANE JOSEPHS v. TEXAS DEMOCRATIC PARTY; GILBERTO HINOJOSA, IN HIS CAPACITY AS TEXAS DEMOCRATIC PARTY CHAIRMAN; AND ANN BENNETT, IN HER CAPACITY AS DEMOCRATIC NOMINEE FOR DALLAS COUNTY CLERK; from Travis County; 3rd Court of Appeals District (03-12-00255-CV, 459 SW3d 631, 12-08-15)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2016.]
Time allotted to argue: 20/20 minutes

15-0509 MARCELA AND JOSE BUSTAMANTE, AS NEXT FRIENDS OF DANIELLA BUSTAMANTE v. ENRIQUE N. PONTE, JR., M.D., PEDIATRIX MEDICAL SERVICES, INC., JORGE FABIO LLAMAS-SOFORO, M.D. AND JORGE FABIO LLAMAS-SOFORO, M.D., P.A. D/B/A EL PASO EYE CENTER; from Dallas County; 5th Court of Appeals District (05-12-01394-CV, 490 SW3d 70, 05-28-15)

[**Note:** This case has been set for oral argument at 9:00 a.m., December 8, 2016.]
Time allotted to argue: 20/20 minutes

15-0575 EL PASO HEALTHCARE SYSTEM, LTD., D/B/A LAS PALMAS MEDICAL CENTER v. LAURA MURPHY; from El Paso County; 8th Court of Appeals District (08-13-00285-CV, ___ SW3d ___, 06-27-15)

[**Note:** This case has been set for oral argument at 9:00 a.m., January 11, 2017.]
Time allotted to argue: 20/20 minutes

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

15-0584 AUSTIN JOCKEY CLUB, LTD. v. DALLAS CITY LIMITS PROPERTY CO.; from Dallas County; 5th Court of Appeals District (05-14-00114-CV, ___ SW3d ___, 06-05-15)

15-0698 CATHERINE MORZAK v. DHM DESIGN; from Dallas County; 5th Court of Appeals District (05-15-00103-CV, ___ SW3d ___, 06-19-15)

- 15-0789 SLOAN CREEK II, L.L.C. v. THE STATE OF TEXAS AND THE NORTH TEXAS TOLLWAY AUTHORITY; from Collin County; 5th Court of Appeals District (05-14-01456-CV, 472 SW3d 906, 08-28-15)
- 15-0933 CASEY JOHNSON, INDIVIDUALLY, AS GUARDIAN OF MAEGEN JOHNSON, NCM, AS HEIR AT LAW TO TRISTEN JOHNSON, DECEASED, AND AS HEIR AT LAW TO MADELEINE JOHNSON, DECEASED, PEARLETTE JOHNSON, INDIVIDUALLY, AND SJON JOHNSON, INDIVIDUALLY v. FORD MOTOR COMPANY; from Dallas County; 5th Court of Appeals District (05-15-00384-CV, 473 SW3d 925, 08-28-15)
- 15-0988 VERTICOR, LTD. v. MICHAEL WOOD; from Travis County; 3rd Court of Appeals District (03-14-00277-CV, ___ SW3d ___, 11-13-15)
- 16-0056 IN THE INTEREST OF S.A.W., A CHILD; from Dallas County; 5th Court of Appeals District (05-15-00876-CV, ___ SW3d ___, 11-25-15)
- 16-0127 MICHAEL DREW, GOVERNMENT ENERGY MANAGEMENT, LLC, EVOLVING SOLUTIONS IN ENERGY, LLC, AND ACCESS FEDERAL BUSINESS, LLC v. ELUMENUS LIGHTING CORPORATION, INC.; from Collin County; 5th Court of Appeals District (05-13-01551-CV, ___ SW3d ___, 05-07-15)
- 16-0161 WOODROW W. MILLER, ASSIGNEE OF JUDGMENTS 2 CASH, LLC v. ROYAL ISD, WALLER COUNTY AND WALLER-HARRIS ESD #200; from Waller County; 14th Court of Appeals District (14-14-00753-CV, ___ SW3d ___, 12-22-15)
- 16-0188 EXCELLENCE MORTGAGE, LTD. v. BARRY BROOKS, HESTON C. KING, STEFAN DOUGLAS BROOKS, JOHANNA BARTON AND JESSE RODRIGUEZ BENAVIDES; from Bexar County; 4th Court of Appeals District (04-13-00106-CV, 486 SW3d 29, 12-09-15)
- 16-0228 CHAD RIEMENSCHNEIDER, ET UX REBEKAH RIEMENSCHNEIDER v. EAST TEXAS MEDICAL CENTER-CROCKETT, INC. AND TIM MEYER; from Houston County; 12th Court of Appeals District (12-14-00113-CV, ___ SW3d ___, 12-30-15)
- 16-0254 GULF COAST INTERNATIONAL, L.L.C. v. THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII; from Harris County; 1st Court of Appeals District (01-15-00625-CV, 490 SW3d 577, 02-25-16)
- 16-0275 A TRACT OF LAND CONTAINING 5.19 ACRES, BEING THE SOUTH 203.33 FEET OF THE WEST 1111.15 FEET OUT OF LOT 44-9 WEST ADDITION TO SHARYLAND, HIDALGO COUNTY, TEXAS; AND ONE (1) MOBILE HOME LOCATED ON SAID PROPERTY v. THE STATE OF TEXAS; from Hidalgo County; 13th Court of Appeals District (13-13-00138-CV, ___ SW3d ___, 02-04-16)

- 16-0276 ROBERT PHALEN v. MICHAEL MAUCELI, REEF OIL & GAS PARTNERS, L.P. (F/K/A REEF & OIL GAS PARTNERS, LLC) REEF SECURITIES, INC. (F/K/A WESTERN AMERICAN SECURITIES CORP.), REEF EXPLORATION, LP AND PAUL MAUCELI; from Dallas County; 5th Court of Appeals District (05-15-00031-CV, ___ SW3d ___, 01-26-16)
- 16-0285 JESUS EVERARDO VILLARREAL SALINAS v. ENTRAVISION COMMUNICATIONS CORPORATION AND MARIEANELA AGUIRRE; from Hidalgo County; 13th Court of Appeals District (13-13-00702-CV, 487 SW3d 276, 01-22-16)
- 16-0292 COMMERCIAL STATE BANK OF EL CAMPO, TEXAS, INC. v. PATRICK HLAVATY AND JEFF STRNADEL; from Wharton County; 13th Court of Appeals District (13-14-00516-CV, ___ SW3d ___, 03-10-16)
- 16-0295 AXCESS INTERNATIONAL, INC. v. BAKER BOTTS, L.L.P.; from Dallas County; 5th Court of Appeals District (05-14-01151-CV, ___ SW3d ___, 03-24-16)
- 16-0299 BARBARA PINKUS v. HARTFORD CASUALTY INSURANCE COMPANY; from Collin County; 5th Court of Appeals District (05-14-00892-CV, 487 SW3d 616, 11-05-15)
- 16-0349 JOHN BARNES GORDON, INDEPENDENT EXECUTOR OF THE ESTATE OF PATRICK MALCOM GORDON, DECEASED v. BEVERLY DIANE GORDON; from Bastrop County; 11th Court of Appeals District (11-14-00086-CV, ___ SW3d ___, 03-31-16)
- 16-0351 ALICE IRVING v. CHURCH OF CHRIST BOERNE, TEXAS A/K/A BOERNE CHURCH OF CHRIST; from Kendall County; 4th Court of Appeals District (04-15-00616-CV, ___ SW3d ___, 04-13-16)
- 16-0354 CMH SET AND FINISH, INC. v. CHRISTOPHER L. TAYLOR; from Grayson County; 5th Court of Appeals District (05-14-01407-CV, ___ SW3d ___, 03-31-16)
- 16-0367 LAKEITH AMIR-SHARIF v. TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES; from Dallas County; 5th Court of Appeals District (05-13-00958-CV, ___ SW3d ___, 08-20-15)
- 16-0378 MATTHEW EUGENE DEVINE v. VICKI DIANNE DEVINE; from Tarrant County; 7th Court of Appeals District (07-15-00126-CV, ___ SW3d ___, 03-09-16)
- 16-0405 DIANA D., AS NEXT FRIEND OF KD, A CHILD; KAREN G., AS NEXT FRIEND OF TG AND ZM, CHILDREN; GUADALUPE P., AS NEXT FRIEND OF LP, A CHILD; SALLY L.,

AS NEXT FRIEND OF CH, A CHILD, DENA D., AS NEXT FRIEND OF BD, A CHILD; OCI ACQUISITION, LLC., ET AL. v. CHARLES SMITH, EXECUTIVE COMMISSIONER OF THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION; AND THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION; from Travis County; 3rd Court of Appeals District (03-15-00657-CV, ___ SW3d ___, 04-21-16)

- 16-0416 RITA LEMONS v. BETTY J. GARMOND, MAMIE BRIGHT, JUSTIN THOMAS AND JAQUELINE R. WOODARD; from Fort Bend County; 1st Court of Appeals District (01-15-00570-CV)
as redrafted
- 16-0419 DEBRA MOSTUE v. THOMAS MANGOLD; from Travis County; 7th Court of Appeals District (07-15-00402-CV, ___ SW3d ___, 03-31-16)
- 16-0438 IN RE COMMITMENT OF WINFRED GENTRY MASSINGILL; from Montgomery County; 9th Court of Appeals District (09-15-00365-CV, ___ SW3d ___, 05-05-16)
- 16-0443 B & G INVESTMENTS, GENE BEHNE, BRANDON NICHOLS AND BARRETT WORTHAM v. MICHAEL BRISCOE AND JOHN MARGETIS; from Navarro County; 7th Court of Appeals District (07-14-00141-CV, ___ SW3d ___, 04-06-16)
- 16-0463 TERESA WARD COOPER v. THE STATE OF TEXAS, ET AL.; from Collin County; 5th Court of Appeals District (05-15-00237-CV, ___ SW3d ___, 03-09-16)
- 16-0464 IN RE COMMITMENT OF CARL DOUGLAS LEWIS; from Montgomery County; 9th Court of Appeals District (09-15-00360-CV, ___ SW3d ___, 05-12-16)
- 16-0494 PATRICK THOBE v. UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER; from Dallas County; 5th Court of Appeals District (05-14-01450-CV, ___ SW3d ___, 05-25-16)
- 16-0508 DONNA PULKRABEK v. UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER; from Dallas County; 5th Court of Appeals District (05-14-01341-CV, ___ SW3d ___, 05-25-16)
- 16-0526 ADELMIRA GARZA v. JAMIE MARIE SANCEN; from Collin County; 5th Court of Appeals District (05-15-00666-CV, ___ SW3d ___, 04-14-16)
- 16-0594 PATRICK CHARLES v. METHODIST HEALTH CENTERS D/B/A HOUSTON METHODIST SUGAR LAND HOSPITAL; from Fort Bend County; 1st Court of Appeals District (01-16-00106-CV, ___ SW3d ___, 06-14-16)

motion for appointment of counsel denied

16-0597 ASHLIE KOENIG v. BRIAN BLAYLOCK; from Williamson County; 3rd Court of Appeals District (03-15-00705-CV, ___ SW3d ___, 07-01-16)

16-0604 IN THE INTEREST OF K.M., I.D., AND D.G., CHILDREN; from Childress County; 7th Court of Appeals District (07-16-00120-CV, ___ SW3d ___, 06-29-16)

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

16-0316 COLETTE CUSTER v. WELLS FARGO BANK, N.A.; from Travis County; 3rd Court of Appeals District (03-15-00362-CV, ___ SW3d ___, 03-18-16)

See TEX. GOV'T CODE § 22.225(b)(1)

(Justice Johnson not sitting)

ORDERS ON MOTIONS FOR REHEARING

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

15-0271 SUNNY OGBOMO AND JOAN KYANGUNGU v. AMERICAN HOMES 4 RENT PROPERTIES TWO, LLC, A DELAWARE LIMITED LIABILITY COMPANY; from Tarrant County; 2nd Court of Appeals District (02-14-00105-CV, ___ SW3d ___, 12-18-14)

15-0354 EMERITUS CORPORATION v. THE STATE OF TEXAS; from Cameron County; 13th Court of Appeals District (13-13-00529-CV, 466 SW3d 233, 03-26-15)

15-0469 BOARD OF ADJUSTMENT FOR THE CITY OF SAN ANTONIO & SAROSH MANAGEMENT, LLC D/B/A A-Z FOOD MART v. EAST CENTRAL INDEPENDENT SCHOOL DISTRICT; from Bexar County; 4th Court of Appeals District (04-14-00341-CV, ___ SW3d ___, 03-18-15)

15-0915 GREGG GIBB v. CONGLOMERATE GAS II, L.P. AND VANCOUVER SKY MANAGEMENT, L.L.C.; from Tarrant County; 2nd Court of Appeals District (02-14-00119-CV, ___ SW3d ___, 10-15-15)

16-0269 RITA LEMONS v. JOE PAYTON LEE; from Harris County; 1st Court of Appeals District (01-15-00701-CV, ___ SW3d ___, 02-02-16)

16-0364 DOUGLAS MICHAEL BULTHUIS v. JOSE JUAN (J.J.) AVILA; from Hidalgo County; 13th Court of Appeals District (13-13-00717-CV, ___ SW3d ___, 12-29-15)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

16-0207 IN RE RWH HOMEBUILDERS, LP; from Harris County; 14th Court of Appeals District (14-13-00948-CV, ___ SW3d ___, 08-25-16)

16-0433 IN RE PIATT SERVICES INTERNATIONAL, INC.; from Travis County; 3rd Court of Appeals District (03-16-00288-CV, ___ SW3d ___, 05-27-16)
relator's emergency motion for stay denied, as supplemented

16-0608 IN RE SAMARA PORTFOLIO MANAGEMENT, LLC, LAW OFFICE OF JOSEPH ONWUTEAKA, P.C. AND JOSEPH ONWUTEAKA; from Harris County; 14th Court of Appeals District (14-16-00618-CV, ___ SW3d ___, 08-11-16)

THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DISMISSED:

16-0332 IN RE NORTHFIELD INSURANCE COMPANY; from Webb County; 4th Court of Appeals District (04-15-00794-CV, ___ SW3d ___, 05-04-16)
joint motion to dismiss original proceeding granted

THE FOLLOWING PETITIONS FOR WRIT OF HABEAS CORPUS ARE DENIED:

16-0135 IN RE FRANCISCO DE LOS REYES; from El Paso County

16-0194 IN RE PATRICK O'NEAL JACKSON; from Harris County

THE DECISION OF THE BOARD OF DISCIPLINARY APPEALS IN THE FOLLOWING APPEAL IS AFFIRMED:

16-0357 CYRIL O. CHUKWURAH v. COMMISSION FOR LAWYER DISCIPLINE (56620)